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Dated: June 5, 2003

Signature: *Shawn P. Foley*  
(Shawn P. Foley)

Docket No.: EGYP SA 3.0-006  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Legrain et al.

Application No.: 10/066,127

Filed: January 31, 2002

For: IDENTIFICATION OF THE ANTI- $\alpha$ 28  
FACTOR IN HELICOBACTER PYLORI, IN  
CAMPYLOBACTER JEJUNI AND IN  
PSEUDOMONAS AERUGINOSA AND  
APPLICATION THEREOF

Group Art Unit: 1653

Examiner: Laurie A. Mayes

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Communication mailed May 5, 2003.

Applicants hereby elect SEQ ID NOS: 1 and 5. In their Amendment mailed March 12, 2003, Applicants advanced an argument based upon §803.04 of the MPEP, which permits election of a reasonable number of independent and distinct nucleotide sequences for purposes of examination in a single patent application. Plainly, the MPEP does not require the elected sequences to be "related". However, the Office Communication provides no explanation as to why this section of the MPEP is not being followed. Accordingly, this election is being made with traverse.

Aside from the foregoing, the Examiner is respectfully reminded of proper procedure for examination pursuant to election of species, as set forth in MPEP §809.02(c).

The Examiner is encouraged to contact the undersigned if she has any questions.  
The Commissioner is authorized to charge any fees that may be due and owing to Deposit  
Account No. 12-1095.

Dated: June 5, 2003

Respectfully submitted,  
By Shawn P. Foley  
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